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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

**4**

Application Number

**10/697,934**

20X JAN - 5 P: 3: 47

Filing Date

**10/31/2003**

First Named Inventor

**Huang, Ming**US PATENT & TRADEMARK  
OFFICE

Art Unit

**3751**

Examiner Name

**Walczak, David J**

Attorney Docket Number

**BP3029-H47-P15****ENCLOSURES (Check all that apply)**

- ☐ Fee Transmittal Form  
☐ Fee Attached  
☐ Amendment/Reply  
☐ After Final  
☐ Affidavits/declaration(s)  
☐ Extension of Time Request  
☐ Express Abandonment Request  
☐ Information Disclosure Statement

- ☐ Drawing(s)  
☐ Licensing-related Papers  
☐ Petition  
☐ Petition to Convert to a  
Provisional Application  
☐ Power of Attorney, Revocation  
Change of Correspondence Address  
☐ Terminal Disclaimer  
☒ Request for Refund  
☐ CD, Number of CD(s) \_\_\_\_\_  
☐ Landscape Table on CD

- ☐ After Allowance Communication to TC  
☐ Appeal Communication to Board  
of Appeals and Interferences  
☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)  
☐ Proprietary Information  
☐ Status Letter  
☐ Other Enclosure(s) (please identify  
below):

- ☐ Certified Copy of Priority  
Document(s)  
☐ Reply to Missing Parts/  
Incomplete Application  
☐ Reply to Missing Parts  
under 37 CFR 1.52 or 1.53

Remarks

**please refund \$500 which was overpaid on August  
17 2005 (encl.1) and approved by the Senior Petitions  
Attorney Christina Tartera Donnel (encl.2) can be  
refunded to the Deposit Account no.503459.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name			
Signature	<i>Huang, Ming</i>		
Printed name	<b>Huang, Ming</b>		
Date	<b>12/30-2005</b>	Reg. No.	

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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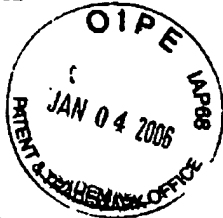
This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**OFFICE OF PETITIONS**

**ON PETITION**

In re Application of  
Huang Ming  
Application No. 10/697,934  
Filed: October 31, 2003  
Attorney Docket No. BP3029-H47-P15

This is a decision on the petition under 37 CFR 1.137(b), filed October 28, 2005, to revive the above-identified application.

On March 31, 2004, the Office mailed a Notice of Allowance and Fee(s) Due and a Notice of Allowability, which set a three-month statutory period for reply. The Notice of Allowance indicated that applicant must submit a \$665.00 issue fee and a \$300.00 publication fee by June 30, 2004, to avoid abandonment. The Notice of Allowability required applicant to submit Corrected Drawings (as "replacement drawings") including changes required by the Examiner's Amendment attached to the Notice. Applicant did not submit a response to either Notice within the specified period for reply. Accordingly, the application became abandoned on July 1, 2004. A Notice of Abandonment was mailed on August 2, 2004.

Applicant has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Applicant submitted the required reply in the form of corrected drawings and payment of the issue and publication fees. Additionally, applicant paid the petition fee and made the proper statement of unintentional delay.

Accordingly, the petition under 37 CFR 1.137(b) is granted.

As previously stated in the decision dismissing the petition under 37 CFR 1.137(a) dated September 27, 2005, applicant authorized the Office to charge the Deposit Account for a \$750.00 petition fee. The small entity fee for filing a petition to revive an unavoidably abandoned application is \$250.00. Unfortunately, the Office mistakenly charged the Deposit Account for two petition fees, totaling \$1,500.00. Because applicant chose to file a "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," the \$750.00 petition fee will be deducted from the amount the Office overcharged. Applicant may request a refund of the balance of \$500.00. Any request for a refund must be made in writing to the following address:

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Application No. 10/697,934

Page 2

Mail Stop 16  
Director of the US Patent and Trademark Office  
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Alexandria, VA 22313-1450

A copy of this decision should accompany applicant's request.

This matter is being referred to the Office of Patent Publication for issuance of a patent.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

*Christina Tartera Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Notice of Draftsperson's Patent Drawing Review

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DATE POSTED		CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
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17	05	13	10697934		2453	750.00	330.00
24	05	116	11207753		2011	150.00	180.00
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

**BP3029-H47-P15**

First Named Inventor: **Huang Ming**

Art Unit: **3751**

Application Number: **10/697,934**

Examiner: **Walczak, David J**

Filed: **10/31/2003**

Title:

**Light-emitting pen with pullable cover**

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

**1. Petition fee**

☒ Small entity - fee \$ **750** (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)).

**2. Reply and/or fee**

**A** The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (Identify the type of reply):

- ☐ has been filed previously on \_\_\_\_\_
- ☐ is enclosed herewith.

**B** The issue fee of \$ **985**

- ☒ has been filed previously on **11/18/2004**
- ☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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02 FC:1999 500.00 DA  
Adjustment date: 01/19/2006 SDENR081  
11/28/2005 AKELLEY 00000007 503453  
02 FC:1999 500.00 CR

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Adjustment Date: 08/17/2005  
01 FC:2453 750.00 CR